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July 8, 2019

By Certified Mail

Ms. Bonnie Bush, City Clerk
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

Re: Notice of Violation of California Voting Rights Act

Dear Ms. Bush:

On behalf of Travis Roderick, a member of a protected class and a registered voter in the City of Santa Cruz, this letter and the enclosed report are to assert that the City of Santa Cruz's method of conducting elections may violate the California Voting Rights Act (the "CVRA").

Pursuant to California law, the Santa Cruz City Council now has 45 days from receipt of this letter to adopt a resolution outlining its intention to transition from at-large to district elections, specifying the detailed steps it will take to facilitate this transition, and estimating the time-frame for this transition. If the City Council does not adopt a resolution to this effect within 45 days from the receipt of this letter, then a legal action will be commenced in California State Court (Santa Cruz County) to require the City of Santa Cruz to institute district elections pursuant to the CVRA.

District elections are sweeping California, as described in the enclosed report. As far as I and my colleagues are aware, no government agency in California has successfully defended a complaint alleging violation of the CVRA. Accordingly, we recommend a collaborative settlement with the City of Santa Cruz that would cap costs and enable more participation by the City Council in the transition to district elections than would be the case through a court action.

As described in Chapter 5 of the enclosed report, advantages of a settlement agreement could include deferring implementation of district elections until the November 2022 election. This approach has proved successful in other government jurisdictions.

A difficulty of requiring district elections in November 2020 that other entities have identified is that doing so would require the time and expense of two districting processes in two years – one for November 2020 (using 2010 census data), and a new process for November 2022 after the decennial 2020 census. Some jurisdictions have asked for a process whereby these costs in time and money could be incurred only once through commencement of district elections in 2022 through an amicable settlement.

In either case – whether the City would seek implementation through a settlement agreement of district elections in November 2020 or in November 2022 – reimbursement costs

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are capped at \$30,000, adjusted for inflation, if this is resolved before the expiration of the statutory period. It may also be possible to institute an at-large elected Mayor as a result of a settlement agreement. Please see the conditional settlement agreement reached in the City of Carpinteria included as Exhibit G in the enclosed report for additional information.

As you are aware, a number of other government jurisdictions in Santa Cruz county and elsewhere in the state have decided to institute district elections. We believe the City of Santa Cruz will be an even better and more representative city with district elections – and in unassailable compliance with state law.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Micah D. Fargey', with a stylized flourish at the end.

Micah D. Fargey
micah@fargeylaw.com

cc: Martin Bernal, City Manager
Mayor Martine Watkins
Vice Mayor Justin Cummings
Councilmember Sandy Brown
Councilmember Drew Glover
Councilmember Chris Krohn
Councilmember Cynthia Matthews
Councilmember Donna Meyers
Anthony P. Condotti, City Attorney

Enclosures